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HUMAN RESOURCES MANAGEMENT

United Nations recruitment, placement and promotion policies

Note by the Secretary-General

Addendum

The Secretary-General has the honour to submit to the General Assembly his comments on the report of the Joint Inspection Unit entitled "Inspection of the application of United Nations recruitment, placement and promotion policies (Part II - Placement and promotions)" (A/51/656, annex).

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I. INTRODUCTION

1. The Secretary-General wishes to thank the Inspectors for the comprehensive overview of United Nations placement and promotion policies set out in their report entitled "Inspection of the application of United Nations recruitment, placement and promotion policies (Part II - Placement and promotions)" (A/51/656, annex) and for the number of constructive recommendations that it contains. He is particularly appreciative of the Inspectors' acknowledgement that his 1994 strategy for the management of the human resources of the Organization (A/C.5/49/5) was specifically designed and is being implemented with the intent of addressing the long-recognized need to reform and modernize the Secretariat's human resources management policies and practices. As stated in the Inspectors' report, the strategy is ambitious and the challenge is in its effective implementation. This is a long-term effort.

2. In this connection and as also noted by the Inspectors, the unprecedented financial crisis and the implementation of mandated regular and extrabudgetary reductions have led to the loss to the Office of Human Resources Management (OHRM) of some 40 staff as well as training and operational funding. While recognizing that delayed implementation of the strategy and recommendations of the Joint Inspection Unit (JIU) cannot in all cases be attributed to these reductions, the Secretary-General nevertheless acknowledges that they have come at a time of increased departmental activity in developing and carrying out the human resources management measures needed to effect mandated Secretariat-wide budget and staffing reductions. This has required increased frequency of consultations with staff representatives and programme managers as well as establishing appropriate review mechanisms throughout the global Secretariat, while sustaining the day-to-day functions of the Office and finding more efficient and effective ways of working. As a result, the degree of focus and the level of activity needed to progress with implementation of the strategy as thoroughly and as quickly as desired have undoubtedly decreased.

3. Delays in introducing measures designed to modernize and improve the Secretariat's human resources management policies and practices have also delayed implementation of the nine recommendations on recruitment, set out in Part I of the JIU report issued in 1995,[1] with which the Secretary-General has expressed broad agreement. The Secretary-General notes that fuller implementation of the interrelated elements of his strategy would have addressed a number of the major concerns expressed in both parts I and II of the JIU report as well as those conveyed by a number of delegations in the context of the General Assembly's consideration at its fifty-first session of the Secretary-General's report on the implementation of his strategy (A/C.5/51/1).

4. The Secretary-General is gratified to note that, on the one hand, despite noting a number of shortcomings in implementing some of the measures to improve human resources management policies and procedures, the Inspectors reflect throughout their report a number of areas in which action has been taken and offer some constructive proposals as to how to achieve further progress. On the other hand, he regrets that, in focusing on certain individual elements of policy and procedural change, the report misses the interrelationship between these individual elements and their collective importance in implementing an

overarching human resources management strategy. The components of the strategy are intended to achieve objectives related to, inter alia, career development and advancement through enhanced managed mobility, objective performance appraisal and management, measures to achieve equal participation of men and women in the global Secretariat, and providing a supportive and encouraging work environment. As such, they will contribute to the fair and transparent functioning of the Secretariat's appointment, promotion and placement system.

5. From this perspective, while the comments of the Inspectors on the current placement and promotion policies of the United Nations are welcomed, it is considered that some conclusions and factual information utilized in the report do not serve well JIU's efforts to address inadequacies of the current systems. Some interpretations and deductions, if placed within the context of ongoing reform and sufficiently elaborated, could have presented an excellent opportunity to elicit an exchange of views among Member States on the substance of placement and promotion policies. Moreover, the data included in the report, although accurate, were drawn from one of the many peripheral OHRM databases. In this case, the database is dedicated solely to certain limited aspects of human resources management and does not present a complete and consistent picture of all the relevant factors, thus diminishing the effectiveness of some conclusions and recommendations. In his original comments on the draft JIU report, the Secretary-General had referred to a number of areas where more in-depth insight and comprehensive information would have been welcome, and specific comments and recommendations were provided to JIU earlier this year. It is regretted that the final version of the JIU report does not appear to have fully considered a number of the factual commentaries provided earlier by the Secretary-General.

6. The above considerations notwithstanding, the Secretary-General can share the general thrust of the report and endorse the need to address actual as well as perceived inadequacies of the policies and systems in place. Accordingly, he can support a number of the Inspectors' recommendations, in particular those which closely correlate with the course of the various initiatives undertaken by the Secretariat, as approved by the General Assembly, in the implementation of his human resources management strategy. He is therefore grateful to the Inspectors for their considered recommendations and looks forward to receiving the guidance of Member States, taking into account as well the detailed comments contained in the present report.

II. SPECIFIC COMMENTS

A. United Nations promotion policy: objectives and policies

7. The Secretary-General notes that the Inspectors have reiterated his earlier expressed view that, for promotion to have a positive impact on other components of career development and on staff morale, the policies and procedures for promotion and other motivators should be fair and transparent and should be applied with consistency and uniformity throughout the Organization. The Secretary-General appreciates the historical overview of United Nations promotion policies and systems in place since 1958, given in paragraphs 37 to 62. He also appreciates the recognition in paragraph 56 of his efforts to

address criticisms, in particular with respect to the emphasis on seniority which existed under the previous annual promotion review, with the introduction of a new placement and promotion system in November 1993. This system continues to be in place, with some modifications introduced in 1996 after appropriate staff-management consultations. Matters discussed at the twentieth session of the Staff-Management Coordination Committee in September 1996 to streamline the system will soon be before the Secretary-General. The system in place is set out in administrative instruction ST/AI/413 of 25 March 1996.

8. In this connection, the statements in paragraph 64 of the report are misleading. The Secretary-General and the Office of Human Resources Management, to which specific reference is made, would not describe the current system as "excellent". There is, however, a shared belief that the system in place contains some very sound elements, such as open competition for jobs, performance-based criteria and recognition of linguistic proficiency, mobility and staff training, plus development activities in consideration for promotion, which lead to a process which is more open and transparent than its predecessor. These criteria are set out in the current criteria for assignment and promotion published in administrative instruction ST/AI/413, which provide, inter alia, that paramount consideration must be given to performance, competence, efficiency and demonstrated potential to perform at the higher level. The inclusion of guidelines on seniority in an administrative instruction does not in any way suggest that seniority, while certainly one of the elements to be considered, has remained a dominant factor in considering staff for promotion. Moreover, as noted by the Inspectors in paragraph 98 of the report, the Secretary-General's 1994 strategy specifically addressed the need for a triennial review of the circumstances of those staff members who have not been promoted within the past 10 years. This aspect of the strategy was endorsed at the September 1996 session of the Staff-Management Coordination Committee and, hopefully, will begin modestly to address the situation described in table 1 and paragraph 66 of the JIU report.

9. Paragraph 64 contains a reference to a worldwide survey of United Nations staff sponsored by the Geneva Staff Association. According to the data published by the staff survey team, the response rate was around 20 per cent of United Nations staff worldwide. This is a significant sampling of staff attitudes and gives valuable insight into how they see their Organization, work environment and personal opportunities. It is regrettable that the Inspectors, having made reference to the survey, do not give a fuller picture of its results as they relate to broader considerations of career development, service with the United Nations and other issues relevant to gauging staff perceptions on matters covered in the current JIU report.

10. Some relevant results include the following:

(a) 47 per cent of staff respondents indicated that they had joined the United Nations because of interest in its work, with 49.7 per cent citing that they continue working for the Organization for that same reason;

(b) 76.4 per cent of those surveyed said that, taking into consideration their experience, they would still work for the Organization;

(c) Morale seems to be the highest in the Office of the United Nations High Commissioner for Refugees (UNHCR), which also has among the highest rates of mobility and was termed by the staff survey team as "the most generous of all departments and organizations in terms of promotion";

(d) When asked to give two answers about what motivates or de-motivates them most, 51.5 per cent of respondents cited proper use of their skills and 41.8 per cent stimulating work as motivating factors (with career prospects at 18.8 per cent) and lack of career, skills not properly used and poor management cited as 28.7 per cent, 25.1 per cent and 25.0 per cent, respectively, as factors which served to discourage them;

(e) The staff survey team's analysis also indicated some ambiguities, i.e., that "the best are not hired because there is too much politics and nepotism involved", although over 86 per cent of the respondents rated their colleagues as having good or very good professional skills and 83.1 per cent as having good or very good human relations.

The overall picture is one of staff who joined and stay working in the United Nations because they want to make a difference. Career development and promotion have a positive impact on staff morale, but it is significant that staff working in organizations with a clear mission statement combined with field service and mobility opportunities have the highest morale. Promotion possibilities are also important motivating factors. In a two-part Management Update series, the Department of Administration and Management explained its understanding of the message of the survey and how it intended to address staff concerns in such areas as improving management, enhancing staff-management dialogue, addressing performance appraisal and management issues as well as training needs, and, relevant to the present report, addressing the need to improve recruitment, placement and promotion systems.

11. While efforts continue towards streamlining the recruitment, placement and promotion system and make it more accessible and responsive through such measures as the electronic and hard-copy circulation of vacancy announcements, and efforts to build the elements of a comprehensive career management system in the context of implementing his human resources management strategy, the Secretary-General agrees with the assessment of the Inspectors (in para. 67) that the retrenchment and restructuring exercises under way since the mid-1980s, the Organization's recent cash-flow and budget reduction requirements, the reduction constraints on promotion opportunities and delays in implementation of the strategy have served to demoralize staff.

B. Factors affecting promotion

1. Recruitment

12. The Secretary-General agrees fully with the assessment of the Inspectors of external departmental recruitment at the P-2/P-3 level, initially for temporary purposes, without benefit of a competitive examination process. The ongoing efforts within the Office of Human Resources Management to improve its ability to forecast vacancies and streamline recruitment procedures are intended to

obviate the need for such temporary hiring, with the goal of making it possible to undertake proper, National Competitive Examination roster recruitment in a timely fashion. In this respect, once fully operational worldwide in all of its releases, the Integrated Management Information System (IMIS) will play a critical role in providing the Office with current data on the budgetary and staffing structures of departments and offices of the global Secretariat. This data will be utilized by OHRM's human resources planning specialist to project external recruitment needs sufficiently in advance as to allow National Competitive Examinations to target occupational groupings of staff to meet the current and anticipated[2] needs of the Organization, while addressing as well equitable geographical distribution concerns. Anticipating vacancies and recruitment planning will expedite the filling of vacancies and thus negate the need for short-term hiring. Cooperation between OHRM and programme managers in this regard is critical.

13. At the higher levels in the Professional category and above, such planning exercises and the development of inventories of staff skills, educational background and experience (an endeavour which the Secretariat has not yet had the human resources planning capacity to undertake fully) will enable a fuller consideration of serving staff for placement and promotion opportunities, as envisaged under staff regulation 4.4, and help strike the delicate balance referenced in paragraph 13 of the JIU report. It should be noted in this regard that the introduction of a modest human resources planning capacity in 1995 represented an enhancement of the long-existing personnel information capacity within OHRM. This enhanced capacity is already going beyond the provision of such data as natural attrition rates, by working to introduce analysis of projected staffing and organizational structures at the macro, organizational level, and skill and staff needs required at the micro, departmental level. This is intended to lead to more rational, transparent and effective recruitment, placement and promotion strategies that take into account existing staff profiles and potential, and target recruitment and staff development needs to take into account, in particular, equitable geographical distribution and gender balance requirements.

14. In noting the views of the Inspectors with respect to recruitment for mission replacement, the Secretary-General considers that a balance must be struck between ensuring that such temporary needs are met, while preventing "untested", short-term hires outside the equitable geographical distribution framework from making a "career" going from one mission replacement function to another until they have gained experience and are so well versed in performing United Nations functions that refusing to keep them in service represents a genuine loss to the Organization. It is considered that further study must be given to the mission replacement process, to ensure that internal and external competitive processes are respected, to encourage staff development and limit external hires as far as possible in meeting the needs of the service. Limiting external recruitment by departments to a maximum three-month period may represent only part of the solution, in that it is the longer-term or repeated mission replacement or temporary staff assignment that generally leads to "back-door" recruitment or promotion of staff already occupying posts, the negative impact of which on staff morale has been noted by Member States, the Inspectors, OHRM, managers and staff throughout the global Secretariat.

2. Reclassification of posts

15. The Secretary-General is in agreement with the Inspectors' analysis in paragraphs 27 to 29 regarding delegation of authority with respect to the present job classification system. Delegation of authority in this area has already been granted to human resources management services at some established offices away from Headquarters, which have personnel trained by OHRM in the International Civil Service Commission (ICSC) classification process. OHRM intends to further delegate classification authority and train departmental offices, where such capacity exists, exercising appropriate monitoring and control.

16. Moreover, subject to the availability of resources, OHRM will be developing occupational descriptions for each family of jobs, spelling out such issues as critical functions and success factors, qualifications and expected experience, so that each programme manager will have a basic concept of the requirements of posts classified at different levels. These standard occupational descriptions will gradually replace individual job descriptions. Hence, they could be used by programme managers for classifying posts in their respective programmes. The Secretary-General recognizes that reforms affecting classification standards and their application must be coordinated with the International Civil Service Commission, and will ensure that this is accomplished. With respect to points raised by the Inspectors in paragraph 17, the Secretary-General recalls that, to preserve the integrity of the classification principle of "equal pay for equal work", personal promotion is no longer an accepted United Nations practice.

17. The Secretary-General also wishes to note the favourable comments of the Advisory Committee on Administrative and Budgetary Questions[2] with respect to the procedures and norms for the creation, suppression, reclassification, conversion and redeployment of posts set out in his report to the General Assembly at its forty-ninth session (A/49/339). The Secretary-General notes that the documentation cited in the JIU report predates this more recent report. It is therefore the Secretary-General's understanding that, in taking note of the report of the Advisory Committee and adopting its resolution 50/214 of 23 December 1995 approving the programme budget for the biennium 1996-1997, the General Assembly has now endorsed his proposals in this regard.

3. Mobility

18. The Secretary-General shares the Inspectors' views on mobility as a means of fostering commitment to the ideals and goals of the Organization and of encouraging staff development and job satisfaction. The results of the staff attitude survey cited above also appear to support this conclusion. The Secretary-General notes that his strategy, as well as the follow-up report on its status of implementation, stress the importance of managed staff mobility and describe specific endeavours under way with respect to junior Professional staff, staff with special language skills and staff performing administrative and management functions. This is an important, if limited, step in the development of a comprehensive system of career management to identify not only promotion but also interesting placement and learning opportunities for serving staff.

19. The data provided in paragraph 81 of the report are, however, somewhat misleading, as they reflect mobility which occurs only at the time of promotion. The discussion might reflect on a review of how many of the staff promoted had undertaken temporary assignments (including short- and long-term field assignments) or lateral moves prior to their promotion, and whether their mobility was a factor in the promotion decision-making process. This is the approach advocated in the Secretary-General's strategy and the report on its implementation.

20. With this in mind, the Secretary-General wishes to supplement the data provided in table 5 on transfers and assignments, with the following information covering the period 1994 to October 1996:

(a) 472 staff members in all categories were detailed or assigned to peacekeeping or humanitarian missions;

(b) 492 staff members were reassigned for predominantly short-term periods between departments of the Secretariat;

(c) 791 staff members were reassigned within their department/office;

(d) 43 staff members were detailed to other organizations of the United Nations common system under the relevant inter-agency agreements.

Although not exhaustive, these statistics give an approximate indication of the degree of mobility, or lack thereof, within the Secretariat, growing out of the effort to cope with increased and ever-changing mandates and enhance staff development and career prospects.

21. They also, however, hint at the magnitude of adjustment in philosophy under way throughout the global Secretariat with regard to mobility and temporary assignment opportunities. The virtual explosion of peacekeeping and humanitarian relief field missions beginning in the early 1990s created immediate and unprecedented demands for staff skills and flexibility. To a large extent, the Secretariat and the staff were able to respond to these demands. Required changes in organizational systems and flexibility to reabsorb staff on return from field assignment have been slower to develop. The Secretary-General accords priority to developing better mechanisms to recognize their newly acquired skills and abilities and to ensure that these staff are appropriately reabsorbed. In addition, the Secretary-General considers that, in developing criteria for accelerated promotion called for in recommendation 1 (h) and paragraph 78 of the JIU report, demonstrated mobility should be among the main criteria, bearing in mind, of course, those categories or occupational groups of staff which are not expected to be mobile (e.g. staff in the General Service and related categories), or for whom mobility opportunities are limited. This will provide incentive for mobility and recognition for the valuable experience gained by staff willing to undertake it.

C. Promotion mechanisms

22. The Secretary-General notes the Inspectors' acknowledgement in paragraph 31 of his prerogative to promote United Nations staff and shares their assessment of the utility of the Appointment and Promotion bodies in providing checks and balances in the appointment and promotion system. As a demonstration of the high value the Secretary-General places on the advice he receives from these bodies, during the period from 1 January 1995 through 30 November 1996, the Secretary-General or the official holding his delegated authority accepted almost 100 per cent (1381 of 1385) of the recommendations of the Appointment and Promotion Board, Committee and Panel. During the same period, at levels P-1 through D-1, the Secretary-General has exercised his prerogative to approve exceptions to the regular recruitment, appointment and placement processes in 34 of the 522 cases processed during the same period. In keeping with the provisions of ST/AI/392 on the procedures of the Senior Review Group for the filling of posts at the Director (D-2) and higher levels, this prerogative was exercised in 9 of the 25 cases processed through his Senior Review Group for staff at the D-2 level for the period from 1 January 1995 to 30 November 1996. These figures give an updated overview of the data provided in tables 4 and 7 of the report.

23. The Secretary-General understands that the anecdotal information provided in paragraph 34 offers the perception of (a) certain Appointment and Promotion Board member(s). It does not, however, give a balanced perspective, and in one particular instance, the description of the circumstances is inaccurate. Nonetheless, the Secretary-General shares the view of the Inspectors on the importance of safeguarding the independence of the Appointment and Promotion bodies and of continuing the tradition of having the Appointment and Promotion Board chaired by an official at the ASG or USG level. It should be noted in this regard that the Secretary-General decided to appoint an Under-Secretary-General to chair the current Appointment and Promotion Board, in recognition of the need to strengthen the Board's independence and authority vis-à-vis heads of departments and offices. While informal consultative mechanisms do exist to deal with cases in which the Appointment and Promotion Board might disagree with local Appointment and Promotion Committee recommendations, the Secretary-General takes note of the JIU suggestion that more formal mechanisms should be established so as to avoid situations where the imposition of a placement or promotion decision against a programme manager's considered recommendation is not the source of future difficulties for the staff member thus selected to fill a position. It is the Secretariat's experience that enforced placement, while a *prima facie* solution in some situations, can result in undue stress and hardship for the staff member concerned and ultimately affect the work of the organizational unit.

D. Career development/promotion as part of career development

24. The Secretary-General notes that the observations of the JIU report with respect to the introduction of a career development system do not reflect fully that various elements forming the basis of the system are being pursued under the general scope of implementing his 1994 strategy. In adopting its resolution

49/222 A in late 1994 and providing funding within OHRM for human resources planning, career management and performance management, the General Assembly then set in motion a number of measures designed to facilitate the development of a comprehensive career development system. These include the following:

(a) Introduction of a human resource management planning function, building on databases currently available and anticipated to project staff needs, to better identify: ways to meet them taking maximum advantage of skills of staff on board; needed training and staff development requirements to facilitate this; and situations in which external input of staff is required;

(b) Introduction of performance management, begun with the introduction in 1996 of the new Performance Appraisal System throughout the global Secretariat, which requires work plan-based performance appraisal and staff-manager dialogue to identify staff strengths and weaknesses and target training and development needs so as to equip staff to take on new and enriching functions in meeting evolving organizational needs;

(c) Introduction of people management training designed specifically to have United Nations managers better understand and take responsibility for properly supervising staff entrusted to them, inclusive of building leadership and mentoring skills to enable better recognition of and support to staff career aspirations;

(d) Initial development of a managed assignment, including mobility, programme for P-2/P-3 staff recruited through the National Competitive Examination process and P-2 staff coming through the G to P Examination as well as similar programmes for language staff and administration and management staff. In the latter case, specialized training for chief administrative officer positions for peacekeeping and other field missions are already being delivered.

In noting the central role of OHRM in formulating the policies and procedures in this regard, the Secretary-General emphasizes the need for a continued change towards a management culture that stresses a holistic approach in serving Secretariat-wide needs and interests. It is recognized that OHRM must have departmental and staff representative support and collaboration if these various pieces of a career development system are to pull together into a cohesive whole.

25. The Secretary-General shares the Inspectors' and delegations' regret that this programme has not progressed faster and further, and that his proposed medium-term plan for the period from 1998 to 2001 (A/51/6 (Prog. 24) does not contain a specific reference to career development. This unintentional omission will be remedied.

26. The Secretary-General recognizes that the capacity to develop individual career paths is limited. Mindful of the practical, pyramidal constraints to promoting individual careers, the goal of the career development system should, in his view, be redefined more realistically as the creation of conditions in which all staff would have a stake and interest in the Organization's and, through this, their personal development. The ongoing process of reviewing

organizational policies and procedures to render them more responsive to staff needs must continue. The somewhat simplified concept of career development advanced in paragraphs 68 to 74 of the JIU report does not appear to reflect the complexity of the reality and challenge of introducing such systems at this particular juncture in the Secretariat's history.

27. Under the circumstances, OHRM will continue to work towards a system which encourages all staff to meet their full potential in a framework of career opportunities. The Office is already working to develop competencies in various career fields and to encourage managers to advise staff as to the necessary training and development required for both vertical and horizontal career moves; to encourage staff mobility; and to pursue diversity in skills development. Given the pyramidal and budgetary constraints, increased advantage will have to be taken of lateral movements of staff to gain career satisfaction, to meet new challenges and to have a sense of making a meaningful contribution to the work of the United Nations. In formulating these views, the Secretary-General has taken into account both the current limitations on promotion opportunities, the views of Member States and the messages received from the staff at large through such instruments as the 1995 staff attitude survey and Staff-Management Coordination Committee dialogue.

28. The Secretary-General also shares the Inspectors' view that, particularly during a time of limited advancement opportunities, promotion and placement systems must be seen to be transparent and fair. Staff who advance must be seen as having demonstrated superior ability and performance, based on comparative merit and not on "special deals, favouritism, parochialism and nepotism". The implementation of the Performance Appraisal System is designed to be supportive of that effort, as are efforts to improve people management skills and to manage staff assignments and mobility, as noted in paragraph 99 of the JIU report. But these efforts are in their infancy. Time, along with a support for a holistic organizational approach, a changed management culture, central policy management by OHRM and programme manager cooperation, are required to restore staff confidence in this regard.

29. The Secretary-General agrees with the points raised by the Inspectors criticizing the long-term "temporary" placement of staff against higher-level posts. He would nonetheless suggest that, in enforcing the three-month time limit, due account must be taken of departmental efforts with OHRM to apply required procedures to identify an appropriate candidate to fill a vacancy. In cases where good-faith efforts are clearly under way and the assignment is fully recognized as temporary, it would be an unnecessary burden on programme managers to deprive them of the services of qualified, performing staff members. If, however, departments have not demonstrated such efforts, the Secretary-General believes that measures along the lines of those suggested by the Inspectors could well serve the intended purpose of encouraging better performance in filling vacancies through open and fair competition. The Secretary-General further believes that ongoing efforts to better forecast vacancies as well as streamline the recruitment and placement processes will assist in this regard. Comments regarding the temporary replacement of staff on mission assignment are set out in paragraph 14 above.

E. Special measures to achieve gender equality

30. Issues concerning the Secretary-General's special measures to achieve gender equality within the Organization are raised in the fourth paragraph of the executive summary and are elaborated in chapter IV, section E, and paragraph 59 of the report. It would appear that the views of the Inspectors in this report vary significantly from the conclusions and recommendations of two previous JIU reports on the subject of advancing the status of women, issued in June 1994[3] and October 1995.[4] Both reports were fully supportive of the special measures introduced by the Secretary-General to improve the status of women in the Secretariat and called for increased accountability of programme managers, in particular those who did not demonstrate real efforts to improve the status and representation of women in their respective departments.

31. The Secretary-General notes that the Inspectors are specifically critical of the special measures set out in his bulletin ST/SGB/282 and in administrative instruction ST/AI/412 of January 1996. He further notes that these issuances were formulated in direct response to General Assembly resolutions 49/167, 49/222 A and 50/164, which endorse his strategic plan of action to improve the status of women in the Secretariat and set targets to that end. He also notes that these issuances consolidate a variety of existing measures which were reviewed to reflect the jurisprudence of the United Nations Administrative Tribunal on the subject.

32. The Inspectors state, inter alia, that the special measures "seem to contradict both Article 8 of the Charter and regulation 4.2 of the Staff Regulations and Staff Rules,[5] find them "redundant" and recommend that "the relevant Secretary-General's bulletins should be revised to exclude discriminatory provisions therefrom".[6]

33. The Secretary-General notes that ST/SGB/282, which underwent a thorough legal scrutiny prior to promulgation, provides that the effort to achieve gender equality in the Organization is in "full compliance with this Article [Article 8 of the Charter]", which provides that: "The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs."

34. Administrative instruction ST/AI/412 provides guidelines to advance the effort to achieve gender equality in the Organization. The Inspectors' references to such provisions as "identifying women candidates who meet the minimum qualifications for any vacant post" and measures to limit to internal circulation vacancy announcements where "fully qualified and suitable women candidates have already been identified from within the Organization or from the roster or another direct source of recruitment" are taken out of context as a demonstration of "reverse discrimination". The Secretary-General emphasizes that these measures are intended to broaden the pool of qualified women candidates so as to present increased possibilities for their qualifications and experience to be known to programme managers. In all cases, appointment, placement and promotion is done in accordance with the provisions of paragraph 15 of the same instruction in mind. This provision reads as follows:

> "15. Vacancies in the category and level of posts falling short of the target figures set out in paragraph 3 above [35 per cent in posts subject to geographical distribution and 25 per cent at the D-1 level and above] shall be filled, when there are one or more female candidates, by one of those candidates provided that (a) her qualifications meet all of the requirements of the post and (b) her qualifications are substantially equal or superior to those of competing male candidates. (emphasis added)

Thus, there is neither an intent nor a policy to discriminate against a more qualified male candidate. There is, however, a deliberate effort to address the long history of gender imbalance within the Secretariat and, as suggested in previous JIU reports on the subject, to hold managers accountable to identify and take seriously the candidatures of qualified females. To this effect, the Performance Appraisal System introduced in 1996 includes a reference to managerial efforts and abilities in addressing gender and diversity issues within their own work environment.

35. Thus, the special measures announced by ST/SGB/282 and set out in ST/AI/412 were developed with the objective of achieving for women equality of opportunity to participate, in the light of the established fact that, since the earliest days of the Secretariat, men colleagues have always far outnumbered their women colleagues at the Professional and, particularly, at the decision- and policy-making levels. Numerous studies have also demonstrated that women have not enjoyed the same promotion opportunities as their male colleagues.

36. The Secretary-General regrets that, in the fourth paragraph of the Executive Summary, the Inspectors offer an out-of-context citation from the landmark United Nations Administrative Tribunal Judgement, No. 671, Grinblat. The Judgement actually endorsed the concept of affirmative action to improve the status of women in the Secretariat, provided, however, that all appointments, promotions and placements respect the provisions of Article 101.3 of the Charter, which requires the "highest standards of efficiency, competence and integrity". The full text of the relevant portions of the Tribunal Judgement in Grinblat is reproduced below:

> "XVII. The Tribunal recognizes that the various resolutions for improvement of the status of women in the Secretariat which have been referred to and statements of the Secretary-General have conceded the existence of an unsatisfactory history with respect to the recruitment and promotion of women that does not accord with Article 8 of the Charter. In such circumstances, the Tribunal considers that Article 8 of the Charter must be regarded as a source of authority for reasonable efforts to improve the status of women. It would be anomalous indeed if this unsatisfactory history had to remain unremedied for an unduly long period. Unless affirmative action measures are taken towards ameliorating the effects of this past history, they will, without doubt, be perpetuated for many years. This is incompatible with the objectives of Article 8, as recognized by the General Assembly. Hence, the Tribunal concludes that Article 8 permits the adoption of reasonable affirmative action measures for improvement of the status of women.

"XVIII. In evaluating the reasonableness of affirmative action measures, pertinent provisions of the Charter may not be ignored. The Tribunal considers that, with respect to affirmative action measures, it would be impermissible to view Article 8 of the Charter as overriding Article 101(3), which states:

> "The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity ..."

This language unequivocally establishes a standard under which less qualified persons are not entitled to preferential treatment based on gender. The fundamental principle reflected in Article 101(3) may not be diluted by a desire, however commendable, to overcome past problems.

"XIX. Even so, there is room for affirmative action. The Tribunal considers that, as long as affirmative action is required to redress the gender imbalance with which the Secretary-General and the General Assembly have been concerned, Article 8 of the Charter would permit, as a reasonable measure, preferential treatment to women candidates where their qualifications are substantially equal to the qualifications of competing male candidates; obviously such a preference is not needed if a woman's qualifications are superior ..." (emphasis added)

37. In Judgement No. 765, Anderson-Bieler, rendered on 6 July 1996, the Administrative Tribunal clarified the Grinblat decision as follows:

"III. The Respondent cites Judgement No. 671, Grinblat (1995), as disavowing any automatic right on the part of the Applicant [a woman staff member] to be promoted as a result of ST/SGB/237 [the precursor to ST/SGB/282 on measures to improve the status of women in the Secretariat]. The Tribunal wishes to clarify its ruling in Judgement No. 671. This Judgement involved the application of ST/SGB/237 by the Appointment and Promotion Board (APB) in compiling the shortlist for a post prior to departmental consideration of the list to determine who should fill the post. The Tribunal concluded that it was inappropriate for the APB to exclude equally qualified male applicants from shortlists and that ST/SGB/237 should have been applied by the department concerned.

"IV. The Tribunal also found in Grinblat that the APB's application of ST/SGB/237 in compiling the shortlist did not conform with United Nations resolutions and Article 101(3) of the Charter which provides that 'the paramount consideration in the employment of the staff ... shall be the necessity of securing the highest standards of efficiency, competence and integrity ...'. However, the Tribunal's finding only affected ST/SGB/237: 'to the extent that the bulletin was interpreted as purporting to authorize the promotion of candidates solely on the basis of gender if they merely met the requirements of the vacant post without regard to whether there were better-qualified candidates for the post'. (Para; XV, emphasis added). This finding does not preclude the application of ST/SGB/237 to mandate the selection of women candidates when they are found to be equally

qualified. Indeed, in Grinblat the Tribunal held that, although it would be impermissible to view Article 8 of the Charter, which provides for equal opportunity in United Nations employment, as overriding Article 101(3), at the same time Article 8 must be regarded as a source of authority for reasonable efforts to improve the status of women. The Judgement further noted: 'Unless affirmative action measures are taken towards ameliorating the effects of this past history, they will, without doubt, be perpetuated for many years. This is incompatible with the objectives of Article 8, ...'

"V. Unlike Grinblat, the present case [Anderson-Bieler] involves the application of ST/SGB/237 by the department filling the post. The Tribunal reaffirms that the affirmative action measure establishes a right to preferential treatment for women whose qualifications 'are substantially equal to the qualifications of competing male candidates' (Judgement No. 671, Grinblat, para. XIX) when the other requirements of ST/SG/237 are met. The Applicant's qualifications were at least equal to those of the other candidates ...

"The Tribunal finds that, as the Applicant was the only woman shortlisted for the post, and as she was equally, if not more, qualified for the post, she had a right to promotion, in the light of ST/SGB/237." (excerpt from Judgement, paras.III-V, emphasis added)

38. It is therefore clear that the Administrative Tribunal, in its judgements in Grinblat, as clarified in Anderson-Bieler, upheld the Secretary-General's efforts and measures to improve the status of women in the Secretariat.

39. The Secretary-General cannot share the Inspectors' view that these measures have led to discriminatory treatment of male staff members, as the following data for the period from 1 January 1995 to 30 November 1996 show that neither in policy nor in practice have the special measures to improve the status of women in the Secretariat had an inordinately negative impact on the careers of men. To the contrary, the data given in tables 1 and 2 below indicate that the special measures may have achieved some success in balancing opportunities for both men and women during the period 1 January 1995 to 30 November 1996.

Table 1

1995: Recruitment, promotion, transfer, assignment and placement of staff by gender

(1 January 1995 to 31 December 1995)

	Total female	Total male	Percentage female	Percentage male	Total
Recruitment	49	69	41.52	58.47	118
Promotion	101	127	44.29	55.70	228
Transfer	13	12	52.00	48.00	25
Assignment	1	2	33.33	66.66	3
Placement	1	1	50.00	50.00	2

Table 2

1996: Recruitment, promotion, transfer, assignment and placement of staff by gender

(1 January 1996 to 30 November 1996)

	Total female	Total male	Percentage female	Percentage male	Total
Recruitment	16	14	53.33	46.66	30
Promotion	45	48	48.38	51.61	93
Transfer	7	9	43.75	56.25	16
Assignment	0	2	0.00	100.00	2
Placement	0	2	0.00	100.00	2

F. Greater responsibility and accountability in human resources management

40. The Secretary-General takes note of the data analysis offered by the Inspectors on promotion-related appeals addressed by the Joint Appeals Board and the United Nations Administrative Tribunal. He shares the assessment that further measures are required to treat the root causes of such appeals, be they mismanagement, unfair treatment of staff or wilful disregard for established

rules and procedures on the part of managers or a demonstrated tendency of an individual staff member to file frivolous appeals.

41. With respect to the points raised in paragraph 100, the Secretary-General notes that the Performance Appraisal System includes specific provisions to evaluate the performance of managerial duties. He sees, however, the further need to enhance managerial accountability with respect to human resources management decisions, including the possibility of imposing sanctions in cases of demonstrated mismanagement of staff, wilful neglect or disregard of established rules and procedures, while safeguarding the due process rights of all staff members, including the managers in question. In a similar vein, the Secretary-General sees merit in the views of the Inspectors in paragraph 111 that measures should be introduced to discourage staff from repeatedly filing unfounded grievances, while safeguarding the established right of staff to appeal administrative decisions. Such changes to the appeals process would have to be introduced in conjunction with the Joint Appeals Board and after appropriate staff-management consultations. In both circumstances, the objective of relieving the appeals and internal justice machinery of unnecessary, avoidable litigation and affixing managerial accountability must be balanced with due respect for the due process rights of staff at all levels.

G. Decentralization and delegation of authority/improving supervisory and managerial skills

42. The Secretary-General takes note of the Inspectors' views with respect to the delegation of authority to programme managers in recruitment, promotion and separation of staff. He notes that valuable experience with the limited delegation of authority to the United Nations Office at Geneva and the United Nations Office at Vienna and to the Department of Peacekeeping Operations in respect to well-defined recruitment, promotion and benefits administration activities, as set out in his report on the implementation of his strategy (A/C.5/51/1, paras. 68-72). He also continues to see many benefits in proceeding with judicious delegation of authority built on, as the Inspectors suggest, a proper and clear demarcation of responsibilities and improved personnel procedures and measures. In the latter connection, he notes that the review and rationalization of the existing Staff Regulations and Rules is nearing completion.

43. Furthermore, as a means of enhancing managerial accountability in the fulfilment of General Assembly mandates, the Secretary-General suggests that the Assembly might receive a performance report on human resources management issues. Such a report would be in line with those on the subject of programme performance and programme budget performance. They would focus on how individual departments are fulfilling organizational policies and requirements designed to meet General Assembly mandates. Suggested areas for reporting would include: departmental efforts to contribute to achieving equitable geographical distributicn; improvements in gender balance in the Secretariat, by department; recruitment, by department, from National Competitive Examination rosters; feedback, by department, on implementation of the Performance Appraisal System as a performance appraisal and staff development tool; participation in the career development and staff training components of the Secretary-General's

human resources management strategy; data on consultant, retiree and other short-term hiring patterns; and number, type and results of appeals or other grievances dealt with, by department. The Secretary-General envisages that such reporting mechanisms will introduce greater transparency and, thus, accountability.

44. The Secretary-General welcomes the observations of the Inspectors on the implementation of training activities to improve supervisory and managerial skills, as set out in paragraphs 115 to 119.

H. Strengthening of the Office of Human Resources Management

45. The Secretary-General endorses fully the view of the Inspectors, expressed in paragraph 24, that OHRM is the guardian of his authority with regard to human resources management. He notes the Inspectors' views in paragraph 120 regarding the need to strengthen the Office's authority, recognizing that it must be properly staffed and have the support and cooperation of programme managers in complying with globally applicable General Assembly mandates. This is particularly true in terms of establishing and ensuring the integrity of implementation policies, procedures and standards pertaining to recruitment, placement and promotion, but includes as well the capacity to develop and oversee the proper implementation of the performance management, effective people management, staff development and training programmes, management reassignment opportunities and other elements set out in his strategy.

III. RECOMMENDATIONS

Recommendation I

46. The Secretary-General supports the recommendations in the following subparagraphs:

> "(a) Emphasize the authority of OHRM to enforce recruitment, placement and promotion policies throughout the Secretariat;"
>
> "(g) Ensure strict application of the requirements concerning education standards in recruitment for posts in the Professional category;
>
> "(h) Introduce specific criteria for accelerated promotion". (see para. 21 above)

47. The Secretary-General expresses readiness to pursue the recommendations contained in the subparagraphs cited below, bearing in mind the considerations set out paragraphs 12 through 14 of the present commentary:

> "(b) Ban the practices of (i) granting temporary appointments at the P-2 and P-3 levels for periods longer than three months (if they are not related to replacement of staff serving on missions) and (ii) extending or renewing these temporary appointments over the three-month period;

"(c) Ensure strict implementation of the policy that entry-level appointments are made exclusively through competitive examinations and through G to P promotion;

"(d) Forbid the so-called □regularization□ of temporary contracts".

48. For the reasons set out in paragraphs 30 to 39 of the present commentary, the Secretary-General cannot endorse the recommendation set out in subparagraph 1 (f).

Recommendation II

49. As indicated in paragraph 25 above, the Secretary-General regrets the unintentional omission of proper reference to career development in his proposed medium-term plan for the period 1998-2001. Measures have been taken to remedy this situation. The approach and initial efforts under way to introduce meaningful career development concepts and systems within the global Secretariat in the context of implementing the Secretary-General's 1994 human resources management strategy are outlined in paragraphs 24 to 28 of the present commentary. These measures address the specific points raised by the Inspectors in the formulation of this recommendation.

Recommendation III

50. As set out in paragraphs 40, 41 and 43 above, the Secretary-General supports the general thrust of this recommendation, along with other suggestions regarding the repeated filing of frivolous appeals. This support in principle is given on the understanding that the due process rights of all staff, managers included, will be fully respected under all circumstances and that appropriate consultations will take place regarding the modalities of implementing any such arrangements.

Notes

[1] "Inspection of the application of United Nations recruitment, placement and promotion policies" (JIU/REP/95/1, Part I, A/49/845 and Add.1).

[2] Official Records of the General Assembly, Fiftieth Session, Supplement No. 7 (A/50/7), paras. 98-103.

[3] "Advancement of the status of women in the United Nations Secretariat in an era of 'human resources management' and 'accountability': a new beginning?", JIU/REP/94/3 (A/49/176).

[4] "The advancement of women through and in the programmes of the United Nations system: what happens after the Fourth World Conference on Women?", JIU/REP/95/5 (A/50/509).

[5] JIU/96/6 (A/51/656), para. 92.

[6] Ibid., para. 96.